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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,434	02/10/2004	Peter S. Yang JR.	012.43208X00	1669

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EXAMINER

STULTZ, JESSICA T

ART UNIT PAPER NUMBER

2873

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11-A

Office Action Summary

Application No.

10/774,434

Applicant(s)

YANG, PETER S.

Examiner

Jessica T. Stultz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16,18-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,18-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fantone et al.

Regarding claim 1, Fantone et al discloses a cardholder consisting of: a one-piece transparent plastic material forming a magnifying lens and configured as a rectangle-shaped cardholder with dimensions approximating a standardized card carried by a person (Column 18, line 19-Column 19, line 7 and Column 21, lines 41-56, wherein the rectangle-shaped cardholder “330” includes a lenticular lens portion, i.e. a magnifying portion, “332” and is made of a one-piece transparent resin material to hold standardized card “340”, Figures 36-37), wherein the rectangle-shaped cardholder has a lens viewing portion and at least one pair of tracks along parallel edges of the cardholder for slipping on and off one or more standardized cards (Column 18, line 19-Column 19, line 7, wherein the rectangle-shaped cardholder “330” includes lens viewing portion “332” and channels, i.e. tracks, “334” and “336” which hold card “340”, Figures 36-37), the pair of tracks are formed of folded tab-like extensions of the one-piece plastic material at a pair of opposing edges of the rectangle (Shown in Figures 36-37, wherein the tracks are channels “334” and “336”, which are folded tab-like extensions of the display frame “330”).

Regarding claim 2, Fantone et al further discloses that the tracks are J-shaped (Figure 37, wherein channels “334” and “336” are J-shaped).

Regarding claim 5, Fantone et al further discloses that the one-piece plastic material is formed of a thermoplastic material (Column 21, lines 41-56, wherein the holder “330” is made of resin, i.e. a thermoplastic material) and is coated on either side thereof, except for the lens viewing portion of the cardholder, with an opaque finish (Column 18, line 57-Column 19, line 7, wherein the holder “330” is coated with a logo or business or trade name, i.e. an opaque finish, on surface area “333” outside of the lenticular portion “332”, Figures 36-37).

Regarding claim 6, Fantone et al further discloses that the size, shape, and position of the viewing portion is determined on the basis of the level of viewing desired, although limited by the surface dimensions of the cardholder (Column 18, line 19-Column 19, line 37, wherein the dimensions of the lenticular portion “332” is determined based on the viewing desired, but is limited by the size of the holder “330”, Figures 36-38).

Regarding claim 7, Fantone et al further disclose that the lens viewing portion covers a rectangle-shaped area having its elongated side extending parallel to the pair of tracks (Shown in Figure 36, wherein the lens viewing portion is “332” has elongated sides parallel to channels “334” and “336”).

Regarding claim 13, Fantone et al further discloses that the one-piece plastic material is constituted by a thin thermoplastic sheet made of material taken from the group consisting of polyvinyl chloride, polycarbonate, polyester, or the like (Column 10, lines 24-33 and Column 21, lines 41-56, wherein the holders are made of polycarbonate or a resin).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fantone et al in view of Yang US Patent 5,999,336 (herein referred to as Yang '336).

Regarding claims 4, 8, and 11, Fantone et al discloses a cardholder as shown above, wherein the one-piece plastic material has an opaque finish at either side thereof, except for the lens viewing portion (Column 18, line 57-Column 19, line 7, wherein the holder "330" is coated with a logo or business or trade name, i.e. an opaque finish, on surface area "333" outside of the lenticular portion "332", Figures 36-37), but does not specifically disclose that the lens viewing portion is constituted by fresnel contour lines that are stamped on either side of the one-piece plastic material comprising the cardholder or that the cardholder contains a cutaway at one or both of the other pair of opposing edges of the rectangle-shaped cardholder to enable easy removal of a card from the cardholder. Yang '336 teaches of a cardholder including a magnifying lens wherein the magnifying lens is made of fresnel contour lines that are stamped on either side of the lens portion (Column 3, lines 21-40, wherein the cardholder "10" includes a fresnel lens "12", Figures 1-5) for the purpose of providing a magnifying lens for enhanced viewing of standard cards (Column 2, lines 53-64) wherein the cardholder contains a cutaway at one or both of the other pair of opposing edges of the rectangle-shaped cardholder to enable easy removal of a card from the cardholder (Column 3, lines 21-40, wherein the rectangle-shaped

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cardholder "10" has cutaways "18", Figures 1, 3, and 5) for the purpose of providing more surface area for the fingers to grab and pull out the card in either direction (Column 3, lines 21-40). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the lens viewing portion of to be constituted by fresnel contour lines that are stamped on either side of the one-piece plastic material comprising the cardholder and for the cardholder to contain a cutaway at one or both of the other pair of opposing edges of the rectangle-shaped cardholder to enable easy removal of a card from the cardholder since Yang '336 teaches of a cardholder including a magnifying lens wherein the magnifying lens is made of fresnel contour lines that are stamped on either side of the lens portion for the purpose of providing a magnifying lens for enhanced viewing of standard cards wherein the cardholder contains a cutaway at one or both of the other pair of opposing edges of the rectangle-shaped cardholder to enable easy removal of a card from the cardholder for the purpose of providing more surface area for the fingers to grab and pull out the card in either direction.

Regarding claim 9, Fantone et al and Yang '336 disclose and teach of a cardholder as shown above and Fantone et al further discloses that the tracks are J-shaped (Figure 37, wherein channels "334" and "336" are J-shaped).

Regarding claim 10, Fantone et al and Yang '336 disclose and teach of a cardholder as shown above and Fantone et al further discloses that the size, shape, and position of the viewing portion is determined on the basis of the level of viewing desired, although limited by the surface dimensions of the cardholder (Column 18, line 19-Column 19, line 37, wherein the dimensions of the lenticular portion "332" is determined based on the viewing desired, but limited by the size of the holder "330", Figures 36-38).

Regarding claim 12, Fantone et al and Yang '336 disclose and teach of a cardholder as shown above and Fantone et al further discloses that the one-piece plastic material is constituted by a thin thermoplastic sheet made of material taken from the group consisting of polyvinyl chloride, polycarbonate, polyester, or the like (Column 10, lines 24-33 and Column 21, lines 41-56, wherein the holders are made of polycarbonate or a resin).

Claims 14, 18-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fantone et al in view of Finkelstein et al '430.

Regarding claims 14, 18-21, and 23-25, Fantone et al discloses a method of making a one-piece magnifying lens cardholder comprising: forming a one-piece clear plastic sheet into a rectangle shape of a standardized card (Column 18, line 19-Column 19, line 7 and Column 21, lines 41-56, wherein the rectangle-shaped cardholder "330" includes a lenticular lens portion, i.e. a magnifying portion, "332" and is made of a one-piece transparent resin material to hold standardized card "340", Figures 36-37) with tab-like extension of the plastic sheet provided at a pair of opposing edges of the rectangle (Column 18, line 19-Column 19, line 7, wherein the rectangle-shaped cardholder "330" includes channels, i.e. tracks, "334" and "336", Figures 36-37), the folded edges forming at least a pair of tracks on a same side of the cardholder (Figures 36-37) but does not specifically disclose that the sheet has fresnel contour lines at a portion thereof; or that the plastic sheet is covered by an opaque coating using a mask except on the viewing portion after the fresnel lens is formed and before the heating of the plastic material, and wherein the plastic material is heated to form the tracks from tab-like extensions by heating the material to 180 degrees. Finkelstein et al '430 teaches of a card with a fresnel lens for the purpose of providing a magnifying lens that will not interfere with the card (Column 6, lines 16-

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52, wherein the card "10" has fresnel lens "60", Figure 3), wherein the card is covered by an opaque coating using a mask except on the viewing portion after the fresnel lens is formed and before the heating of the plastic material, for the purpose of providing the necessary graphics on the plastic and forming a region for the magnifying lens (Column 10, lines 26-34, wherein the opaque layer "306" is printed on using a silk screen, i.e. mask, Figures 17-19), and wherein the plastic material is heated for the purpose of obtaining the desired shape (Column 9, line 66-Column 10, line 9, Figure 15). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method of making a cardholder of Fantone et al to further include the lens be made of fresnel contour lines, wherein the plastic sheet is covered by an opaque coating using a mask except on the viewing portion, and wherein the plastic material is heated to form the tracks from tab-like extensions by heating the material to 180 degrees since Finkelstein et al '430 teaches of a card with a fresnel lens for the purpose of providing a magnifying lens that will not interfere with the card that is to be held, wherein the card is covered by an opaque coating using a mask except on the viewing portion after the fresnel lens is formed and before the heating of the plastic material for the purpose of providing the necessary graphics on the plastic and forming a region for the magnifying lens, and wherein the plastic material is heated for the purpose of obtaining the desired shape.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fantone et al in view of Finkelstein et al '430 and further in view of Yang '336.

Regarding claims 15-16, Fantone et al and Finkelstein et al '430 disclose and teach of a method of making a cardholder as shown above, but do not specifically disclose that the method includes cutting away a portion of at an edge thereof other than at a location of the tab extensions

of the rectangle. Yang '336 teaches of a cardholder including a magnifying lens wherein the cardholder contains a cutaway at one or both of the other pair of opposing edges of the rectangle-shaped cardholder to enable easy removal of a card from the cardholder (Column 3, lines 21-40, wherein the rectangle-shaped cardholder "10" has cutaways "18", Figures 1, 3, and 5) for the purpose of providing more surface area for the fingers to grab and pull out the card in either direction (Column 3, lines 21-40). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method of Fantone et al and Finkelstein et al '430 to further include cutting away a portion of at an edge thereof other than at a location of the tab extensions of the rectangle since Yang '336 teaches of a cardholder including a magnifying lens wherein the cardholder contains a cutaway at one or both of the other pair of opposing edges of the rectangle-shaped cardholder to enable easy removal of a card from the cardholder for the purpose of providing more surface area for the fingers to grab and pull out the card in either direction.

Response to Arguments

Applicant's arguments, see Remarks, filed February 7, 2005, with respect to the rejections of claims 1-25, as these claims are amended, under obviousness type double patenting and 102/103 in view of Yang '336 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fantone et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Valdez et al is cited as having some similar structure to the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

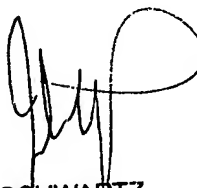
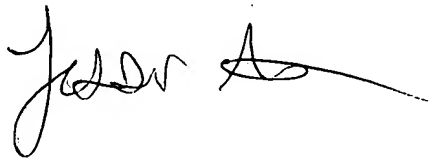
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
March 7, 2005



JORDAN SCHWARTZ
PRIMARY EXAMINER